

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ZYANGQUELYN POE :
 :
Plaintiff :
 :
vs. : Civil No. RWT 05-1058
 :
BUDGET RENT A CAR SYSTEM, INC., :
et al. :
 :
Defendants :
 :

MEMORANDUM OPINION

This is an action brought by the Plaintiff against the Defendants, Budget Rent A Car System Inc. (“Budget”) and International Rental and Leasing Corporation (“International”). Budget has its main office in Parsippany, New Jersey and, through a network of franchises granted by it to individual rental companies, makes vehicles available for rental throughout the world. International is a Virgin Islands corporation, and is a franchisee of Budget doing business in St. Thomas, U.S. Virgin Islands. The complaint relates to injuries suffered by the Plaintiff when the brakes on a car leased by International allegedly failed. International moved to dismiss for lack of personal jurisdiction, and the Court permitted limited jurisdictional discovery to take place. Following a hearing on June 19, 2006, the Court concluded, for reasons stated on the record, that this Court was lacking personal jurisdiction over the Defendant, International, but there is jurisdiction over both Defendants in the United States District Court for the District of the Virgin Islands. Accordingly, the Court indicated its intention to transfer this case to that court under the provisions of 28 U.S.C. § 1631. Before the Court had an opportunity to enter an order embodying its oral rulings, the Plaintiff moved that the Court issue a certification under Federal Rule of Civil Procedure 54(b)

certifying this case for an interlocutory appeal to the United States Court of Appeals for the Fourth Circuit. The Court declines to do so. In *In Re Carefirst of Maryland, Inc.*, 305 F.3d 253 (4th Cir. 2002), the United States Court of Appeals for the Fourth Circuit conclusively held that a transfer order issued under Section 1631 is not an immediately appealable collateral order. Accordingly, Plaintiff's Motion for Certification of Interlocutory Appeal Under FRCP 54(B) and for Court to Hold in Abeyance Transfer of Case Until Resolution of Appeal (Paper No. 37) will, by separate Order, be DENIED.

July 31, 2006

_____/s/_____
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE